



VIII.E.
M-373/07

Board of Directors

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Randy A. Record

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Board Secretary

Rosemarie V. Howell

General Manager

Anthony J. Pack

Director of the

Metropolitan Water

District of So. Calif.

Randy A. Record

Legal Counsel

Redwine and Sherrill

November 21, 2007

TO: Board of Directors

FROM: General Manager

SUBJECT: Authorization to File Notice of Determination for the Hemet/San Jacinto Water Management Plan (State Clearinghouse No. 2006101023)

RECOMMENDATION

In accord with the provisions of Resolution No. 4773, it is recommended that the Board, by Minute Order, approve the project contingent upon Congressional approval, and effectiveness thereunder of the Soboba Settlement Agreement, and authorize the preparation, filing and posting of a Notice of Determination for said project.

Concur.

Anthony J. Pack
General Manager

Submitted by.

Charles J. Bachmann
Assistant General Manager
Engineering

Directors: All
Divisions: All

BACKGROUND

By the adoption of Resolution No. 4773 today, the Board certified the Final Supplemental Environmental Impact Report for the Hemet/San Jacinto Water Management Plan (Plan) and adopted Findings of Fact and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

The required Supplemental Environmental Impact Report has been prepared, posted, published and filed in the office of the District, and the 45-day waiting period before approval of the project has expired. The Board has reviewed the Supplemental Environmental Impact Report, the comments received on the report, and the responses to those comments and has considered the environmental impacts. For those significant environmental effects associated with the proposed Plan that cannot be avoided or substantially lessened, the Board has reviewed the Findings of Fact and Statement of Overriding Considerations included therein. The Findings of Fact provides written findings and a brief rationale for each of those significant effects. The Statement of Overriding Considerations balances the benefits of the proposed Plan against the unavoidable adverse effects, finds such unmitigated effects to be acceptable, and will be mentioned in the Notice of Determination.

KAH/mlm

Finance N/A

Purchasing/Contracts N/A

Author Karen Hackett

W O #411675

H-SJ WMP Not of Det Ltr 1121.doc

RESOLUTION NO. 4773

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
EASTERN MUNICIPAL WATER DISTRICT ADOPTING
FINDINGS OF FACT, STATEMENT OF OVERRIDING
CONSIDERATIONS, AND A MITIGATION MONITORING AND
REPORTING PROGRAM, AND CERTIFYING THE FINAL
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT FOR
THE HEMET/SAN JACINTO WATER MANAGEMENT PLAN,
STATE CLEARINGHOUSE NO. 2006101023**

WHEREAS, pursuant to the provisions of law, a public hearing was held at the Eastern Municipal Water District on November 21, 2007, on the Final Supplemental Environmental Impact Report for the Hemet/San Jacinto Water Management Plan, State Clearinghouse No. 2006101023; and

WHEREAS, notice required for said hearing was duly given, and any and all persons wishing to be heard on said matter were heard, and evidence and reports relating to said matter were received and considered; and

WHEREAS, all the procedures of the California Environmental Quality Act (CEQA) and Eastern Municipal Water District's rules to implement CEQA have been met, and the Supplemental Environmental Impact Report (SEIR) is sufficiently detailed so that all significant effects of the project on the environment and measures necessary to mitigate such effects have been evaluated in accordance with the District's rules to implement CEQA; and

WHEREAS, the matter was fully discussed with testimony and documentation presented by the public and various local, county, regional, state and federal agencies; and

WHEREAS, project approval is contingent upon Congressional approval, and effectiveness thereunder of the Soboba Settlement Agreement.

NOW THEREFORE, BE IT RESOLVED, ORDERED AND DETERMINED that the Board of Directors of Eastern Municipal Water District in Regular Work Session assembled on November 21, 2007:

1. Finds that the attached Findings of Fact, Statement of Overriding Considerations (included therein), both being made a part of this resolution, and mitigation measures are associated with the project.
2. Adopts the attached Mitigation Monitoring and Reporting Program to ensure compliance with provisions of AB 3180 (§21081.6 of the Public Resources Code). Eastern Municipal Water District, as part of its overall project management role, will be responsible for ensuring that the mitigation measures are incorporated into the project at the appropriate time. Eastern's staff will be responsible for ensuring that the mitigation measures are satisfactorily monitored and will provide quarterly monitoring reports, as needed, and a final report to Eastern's Board of Directors, which will be responsible for reviewing the reports and determining their adequacy.
3. Adopts the attached Findings of Fact in accordance with §15091 and the Statement of Overriding Considerations included therein in accordance with §15092, §15093, §15043 of the California Environmental Quality Act with respect to this project.

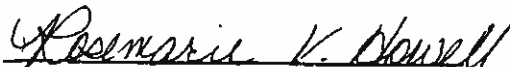
Resolution No. 4773

4. Certifies that the Final Supplemental Environmental Impact Report for the Hemet/San Jacinto Water Management Plan has been completed in compliance with CEQA regulations and that the Final Supplemental Environmental Impact Report was presented to the Board of Directors of the Eastern Municipal Water District and that the Board of Directors reviewed and considered the information contained in the Final Supplemental Environmental Impact Report prior to approving the herein described project.
5. Approves the project contingent upon Congressional approval and effectiveness thereunder of the Soboba Settlement Agreement

ADOPTED, SIGNED, and APPROVED this 21st day of November 2007


David J. Slawson, President

ATTEST:


Rosemarie V. Howell, Secretary

(Seal)

CEQA-7

NOTICE OF DETERMINATION

To: ■ Office of Planning and Research **From:** Eastern Municipal Water District
1400 Tenth Street 2270 Trumble Road
P. O. Box 3044 P. O. Box 8300
Sacramento, CA 95812-3044 Perris, CA 92572-8300

■ County Clerk
County of Riverside
2724 Gateway Drive
P. O. Box 751
Riverside, CA 92502-0751

FILED
RIVERSIDE COUNTY

NOV 21 2007

LARRY W WARD, CLERK

By *m. Meyer* M. Meyer
Deputy

Subject: Filing of Notice of Determination in Compliance with Section 21108 or 21152 of the Public Resources Code

Project Title: Hemet/San Jacinto Water Management Plan
Final Supplemental Environmental Impact Report

COUNTY CLERK
Neg Declaration/Ntc Determination
Filed per P.R.C. 21152
POSTED

State Clearing House Number: 2006101023

Contact Person: Karen Hackett

NOV 21 2007

Phone Number/Ext.: 951 928-3777, Extension 4462

RECEIVED 12-26-07
By *[Signature]* Dept.
County of Riverside, State of California

Project Location: The proposed project is located in the San Jacinto Valley of Western Riverside County, within numerous Sections of Townships 3-6S, Regions 1-2W, SBBM

Project Description: The proposed project (Project) consists of the Hemet/San Jacinto Water Management Plan (Plan) and the Stipulated Judgment. The Stipulated Judgment allocates production rights among the Public Agency parties to the Stipulated Judgment; the Plan represents in more detail the mechanism for allocation of production rights, and proposes an institutional and financial framework for managing water resources in the area at a program level, including proposed projects to replenish and conserve local water resources. The Project's specific objectives as stated in the Plan include the following:

1. Address pumping overdraft and declining groundwater levels
2. Provide for the Soboba Band of Luiseno Indians prior and paramount water rights
3. Ensure reliable water supply
4. Provide for planned urban growth
5. Protect and enhance water quality
6. Develop cost-effective water supply
7. Provide adequate monitoring for water supply and water quality
8. Supersede the Fruitvale Judgment and Decree

The proposed project is intended to implement the draft Settlement Agreement with the Soboba Band of Luiseno Indians (Tribe) in accordance with the above objective to provide for the Tribe's prior and paramount water rights. Project approval is contingent upon Congressional approval, and effectiveness thereunder of the Soboba Settlement Agreement.

CEQA-7

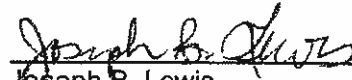
This is to advise that the Eastern Municipal Water District has approved the described project on November 21, 2007, contingent upon Congressional approval, and effectiveness thereunder of the Soboba Settlement Agreement, and has made the following determinations regarding the above described project:

1. The project {☒ will, ☐ will not} have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures {☒ were, ☐ were not} made a condition of the approval of the project.
4. A Statement of Overriding Considerations {☒ was, ☐ was not} adopted for this project.
5. Findings {☒ were, ☐ were not} made pursuant to the provisions of CEQA.

This is to certify that the Final Supplemental Environmental Impact Report with comments and responses and record of project approval is available to the General Public at:

Eastern Municipal Water District
2270 Trumble Road
Perris, CA 92570

Date: 11/21/2007



Joseph B. Lewis
Director of Engineering Services

Date received for Filing and Posting at OPR:

STATE OF CALIFORNIA - THE RESOURCES AGENCY
DEPARTMENT OF FISH AND GAME
ENVIRONMENTAL FILING FEE CASH RECEIPT

Receipt # 200400897

Lead Agency: EASTERN MUNICIPAL WATER DISTRICT Date: 08/09/2004
County Agency of Filing: Riverside Document No: 200400897
Project Title: HEMET/SAN JACINTO INTEGRATED RECHARGE RECOVERY PROJECT
Project Applicant Name: EASTERN MUNICIPAL WATER DISTRICT Phone Number: _____
Project Applicant Address: 2270 TRUMBLE ROAD P.O. BOX 8300 PERRIS, CA 92572-8300
Project Applicant: Local Public Agency

CHECK APPLICABLE FEES:

<input checked="" type="checkbox"/> Environmental Impact Report	<u>\$850.00</u>
<input type="checkbox"/> Negative Declaration	_____
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	_____
<input type="checkbox"/> Project Subject to Certified Regulatory Programs	_____
<input checked="" type="checkbox"/> County Administration Fee	<u>\$64.00</u>
<input type="checkbox"/> Project that is exempt from fees (DeMinimis Exemption)	
<input type="checkbox"/> Project that is exempt from fees (Notice of Exemption)	
Total Received	<u>\$914.00</u>

Signature and title of person receiving payment.

[Signature]

Notes: